D.B. CIVIL SPECIAL APPEAL(W)NO.452/2006

Sunil Kumar Sharma
Vs.
State Bank of Bikaner & Jaipur & Ors.

Date of Order :: 19-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri S.N. Trivedi, for the appellant.

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging his transfer from Loonkaransar branch in Bikaner district to Sadulpur branch in Churu district.

The case of the appellant inter alia is that the Assistant General Manager who passed the impugned order was not competent to transfer the appellant to another region, beyond his jurisdiction. After the writ petition was dismissed, on 25.5.2006, the respondent bank issued another order transferring the appellant to Vijaynagar branch in Sriganganagar district. We are of the view that the order dated 25.5.2006 provides a fresh cause of action and the appellant is required to challenge the same separately, if so advised, in accordance with law. It was however submitted that order dated 25.5.2006 too has been passed by

Assistant General Manager, as was done earlier, and therefore the question as to whether the Assistant General Manager is competent to transfer the appellant beyond the region should be decided by this Court.

The point, in our view, can be decided in a fresh writ petition which the appellant may file, or, if he so likes, he may make representation before the higher authorities of the bank. It is expected that the same will be looked into and the needful will be done in accordance with law.

With these observations, the appeal is dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen